

**NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT



SPONSOR: Vigil DATE TYPED: 02/01/02 HB 407

SHORT TITLE: San Miguel Transporting State Inmates Costs SB \_\_\_\_\_

ANALYST: Trujillo

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$95.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 407 appropriates \$95.0 from the general fund to the Corrections Department (CD) for the purpose of reimbursing San Miguel County for the expense of transporting and feeding state inmates.

#### Significant Issues

CD reports it would be inappropriate to require the agency to become involved in the administration of these funds. First, there is neither statutory definition nor generally accepted definition of the term "state inmates". For example, most offenders who are extradited from another state have not yet been convicted of a crime and, therefore, are not yet committed to CD. Similarly, when persons are charged with a criminal offense and are incarcerated in the county jail awaiting trial, most of these persons are not at that time committed to CD; and, therefore, are not clearly "state inmates". It is unclear whether the bill is intended to reimburse San Miguel County for the expense of housing such inmates.

CD suggests it may be more efficient to simply appropriate the funds directly to San Miguel County. If it is absolutely necessary that such funds be appropriated to a state agency for administration purposes, the funds should probably be appropriated to the local government division of the Department of Finance and Administration, which is better equipped to deal with counties on such matters.

### **FISCAL IMPLICATIONS**

The appropriation of \$95.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

### **DUPLICATES/RELATIONSHIP**

Relates to the general appropriations act.

Relates to HB 343, HB 354, HB 337

Duplicates SB402

### **OTHER SUBSTANTIVE ISSUES**

House Appropriations and Finance Committee Substitute for House bills 2, 3, 4, 5 and 6 (the general appropriations act) includes \$1,000.0 for this purpose with the following language:

“No more than one million dollars (\$1,000,000) of the general fund appropriation to the community offender management program of the corrections department shall be used for detention costs for parole violators.”

LAT/prr